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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,850

02/10/2006

Chang Wook Kim

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03/15/2010

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

03/15/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,850	Applicant(s) KIM, CHANG WOOK	
	Examiner Stephen M. Gravini	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

An appeals conference was held Monday January 11, 2010 with examiner's immediate supervisor and TQAS Greg Vidovich. It was determined that the application is not yet ready for appeal and prosecution is re-opened to address the claims in light of the prior art.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-3, 5, 7, and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boos (US 6,105,533) in view of Day (US 2,932,091) in view of St. Louis (US 5,371,956). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Boos as comprising:

a cylindrical drum **7** main body that is formed through a seam-welding process, the seam weld being located only on the cylindrical portion of the drum main body (column 4 lines 41); and

a drum rear wall **10** coupled to a second end of the drum main body and provided with a plurality of hot wind introducing holes **14**. Boos also discloses the claimed head wall seam-weld coupling (column 4 line 41), outward bent penetration hole (figure 3) and positioning projection (on the face of that reference). Boos discloses the claimed invention, except for the claimed drum head comprising a main head rim having a predetermined width in a direction toward a rotating shaft of the drum main body, the main head rim being coupled to a first end of the drum main body and

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provided with a plurality of elevated portion, and a support sleeve bent outwards from an end of the main head rim. Day, another drum dryer, discloses that feature at figure 2 and rotating shaft near reference character **12**. It would have been obvious to one skilled in the art to combine the teachings of Boos with the drum rear wall structure and function of Day, for the purpose of providing a firm and sound structural support for a drum dryer. Also Boos in view of Day discloses the claimed invention, except for the claimed lift coupled to an inner circumference of the drum main body to lift the laundry, wherein the cylindrical portion is provided with at least one penetration hole that is a predetermined distance apart from the first end and the second end of the drum main body and wherein the lift is provided at a bottom surface with a positioning projection to be inserted into the penetration hole. St. Louis, another drum dryer, discloses those features at column 3 lines 5-28. Specifically, St. Louis discloses a lift **24** coupled to an inner circumference of the drum main body to lift the laundry (figure 1), wherein the cylindrical portion **16** is provided with at least one penetration hole **36** or **38** that is a predetermined distance apart from the first end and the second end of the drum main body (figure 3) and wherein the lift is provided at a bottom surface with a positioning projection to be inserted into the penetration hole (figure 4). It would have been obvious to one skilled in the art to combine the teachings of Boos in view of Day with the lift of St. Louis, for the purpose of providing a coupled tumbling device inside a clothes dryer such that an unskilled homemaker could make or use the lift assembly. Furthermore, Boos in view of Day in view of St. Louis discloses the claimed invention, except for the claimed forming process, hole depression or depth, boss location, coupling member

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location, elevated portion positions, welding portion smooth formation, and confliction prevention groove. It would have been an obvious matter of design choice to recite those features because the teachings of Boos in view of Day in view of St. Louis would perform the invention as claimed regardless of the forming process, hole depression or depth, boss location, coupling member location, elevated portion positions, welding portion smooth formation, and confliction prevention groove.

Double Patenting

Claims 1-3, 5, 7, and 9-15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 7,395,612 in view of Boos. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been an obvious to one skilled in the art to recite the claimed seam weld process of Boos (discussed above) with the applicant assignee patented drum structure for greater strength, durability, and fabrication stability.

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are not persuasive.

Prior art reference St. Louis

Applicant asserts that St. Louis should be withdrawn as a prior art reference. However, under the Office notification of acceptance of application under 35 USC 371 and 37 CFR 1.495, the earliest date of completion of requirements is February 10, 2006 which is more than one year after the foreign priority date of November 17, 2003 in St.

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Louis. Because St. Louis has an earlier filing date met under current Office practice, it qualifies as a prior art reference with respect to the current filed application. The current application has an effective filing date of February 10, 2006.

Obviousness rejection

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that prior art references Boos, Day, and St. Louis are not combinable, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Double patenting

Although applicant argues that the claims are not coextensive in scope to the reference used in the double patenting rejection, are an obvious variation of the currently claimed rejection, such that the rejection is proper.

Conclusion

Other references cited in this action anticipate and/or obviate the claimed invention but are not relied upon in rejecting the claims of the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/
Primary Examiner, Art Unit 3743